

ANNUAL REPORT

FISCAL YEAR 2001-2002

CAREER SERVICE REVIEW BOARD

STATE OF UTAH



BOARD MEMGBERS

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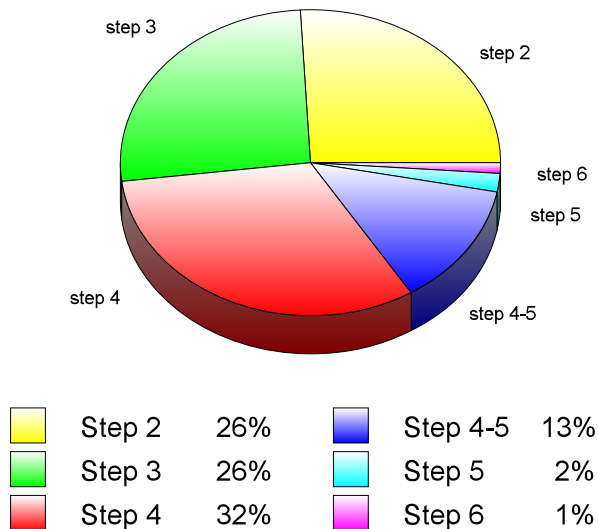
**LEVELS AT WHICH GRIEVANCE CASES
WERE RESOLVED DURING FISCAL YEAR 2001-2002**

LEVELS OF RESOLUTION	GRIEVANCE CASES	NO. OF EMPLOYEES
Step 2 Immediate Supervisor	20	20
Step 3 Agency/Division Director	20	23
Step 4 Department Head	25	23
Mediation Forum (Between Steps 4 & 5)	10	8
*Step 5 Evidentiary Hearing	2	2
**Step 6 Appellate Review by Board	1	1
TOTALS:	78	77

*In addition to the two cases resolved at Step 5 during Fiscal Year 2001-2002, the CSRB Hearing Officers held an additional eight hearings during Fiscal Year 2001-2002. These hearings are not reflected in this chart because the decisions were either issued after July 1, 2002, or are not yet resolved because they are on appeal to Step 6.

**In addition to the one case resolved at Step 6 during Fiscal Year 2001-2002, the Board held one other hearing in which it remanded the case to the Hearing Officer for further deliberation.

LEVELS OF RESOLUTION BY PERCENT



**NUMBER OF APPEALS FROM DISCIPLINARY
PENALTIES AND LEVELS OF RESOLUTION
DURING FISCAL YEAR 2001-2002**

LEVEL	DISCIPLINARY* PENALTIES RESOLVED
Step 2	2
Step 3	3
Step 4	3
Mediation Forum (Between Steps 4 & 5)	5
**Step 5	2
***Step 6	0
TOTAL:	15



***Note:** There are only four disciplinary actions designated by statute: written reprimand, suspension, demotion and dismissal (*Utah Code*, Section 67-19a-302(1)). No other issues qualify as disciplinary actions.

****** Of the eight additional evidentiary hearing held at Step 5, six were related to disciplinary matters.

******* The Step 6 hearing that was held during Fiscal Year 2001-2002, but not resolved during that fiscal year, involved a disciplinary action.

**RESOLUTION ON APPEALS FROM DISCIPLINARY ACTIONS
DURING FISCAL YEAR 2001-2002**

LEVEL	ACTION	NUMBER	DETERMINATION					
			AFFIRMED	MODIFIED	RESCINDED			
Step 2	Reprimand	1	1	0	0			
	Suspension	0	0	0	0			
	Demotion	1	1	0	0			
	Dismissal	0	0	0	0			
Step 3	Reprimand	2	1	1	0			
	Suspension	0	0	0	0			
	Demotion	1	0	1	0			
	Dismissal	0	0	0	0			
Step 4	Reprimand	1	0	1	0			
	Suspension	0	0	0	0			
	Demotion	0	0	0	0			
	Dismissal	2	2	0	0			
Mediation/Jurisdiction Forum	Reprimand	0	0	0	0			
	Suspension	0	0	0	0			
	Demotion	2	2	0	0			
	Dismissal	3	2	1	0			
Step 5	Reprimand	0	0	0	0			
	Suspension	1	1	0	0			
	Demotion	0	0	0	0			
	Dismissal	1	1	0	0			
Step 6	Reprimand	0	0	0	0			
	Suspension	0	0	0	0			
	Demotion	0	0	0	0			
	Dismissal	0	0	0	0			
TOTAL DISCIPLINARY APPEALS:		15	=	11	+	4	+	0

**FREQUENCY DISTRIBUTION OF GRIEVANCE ISSUES
DURING FISCAL YEAR 2001-2002**

ISSUES	OCCURRENCES
Promotion Issues	16
Nonselection (5)	
Policies/Procedures (3)	
Position Responsibility Changes (1)	
Selection Process (4)	
Testing Procedures (3)	
Administrative Actions	12
Salary Issues	11
Administrative Salary Increase (2)	
Bonus (1)	
Incentive Pay (1)	
Pay Equity (1)	
Pay Increase (4)	
Reinstatement of Pay Step (2)	
Written Warning	7
Classification	6
Dismissal	6
Transfer	6
Retaliation	5
Administration of Benefits	5
Involuntary Reassignment	5
Demotion	4
Rules Violation	4
Written Reprimand	4
Corrective Action Plan	2
Harassment	2
Working Conditions	2
Administrative Leave	1
Agency Policy Violations	1
Clothing	1

ISSUES	OCCURRENCES
Discrimination	1
Duty Assignment	1
Hostile Work Environment	1
Internet Access	1
Performance Appraisal	1
Performance Plan	1
Reimbursement	1
Resignation	1
Suspension	1
Verbal Warning	1
Work Opportunities	1

TOTAL ISSUES GRIEVED: 111

Note: There were 78 grievance cases resolved; however, many cases had multiple issues grieved. Thus, the overall number of grievance issues resolved (111) exceeds the total number of employees' cases (78) that were resolved.

**GRIEVANCE CASES IDENTIFIED BY DEPARTMENTS
AND LEVELS OF RESOLUTION
DURING FISCAL YEAR 2001-2002**

**COMMUNITY &
ECONOMIC DEVELOPMENT**

Step 2 - 0
3 - 0
4 - 1
4-5 - 0
5 - 0
6 - 0

CORRECTIONS

Step 2 - 7
3 - 12
4 - 11
4-5 - 1
5 - 1
6 - 0

**EDUCATION/
REHABILITATION**

Step 2 - 0
3 - 0
4 - 3
4-5 - 3
5 - 0
6 - 0

HEALTH

Step 2 - 2
3 - 1
4 - 2
4-5 - 0
5 - 1
6 - 0

HUMAN SERVICES

Step 2 - 6
3 - 3
4 - 4
4-5 - 1
5 - 0
6 - 1

LABOR COMMISSION

Step 2 - 0
3 - 1
4 - 0
4-5 - 0
5 - 0
6 - 0

NATURAL RESOURCES

Step 2 - 0
3 - 0
4 - 2
4-5 - 1
5 - 0
6 - 0

NATIONAL GUARD

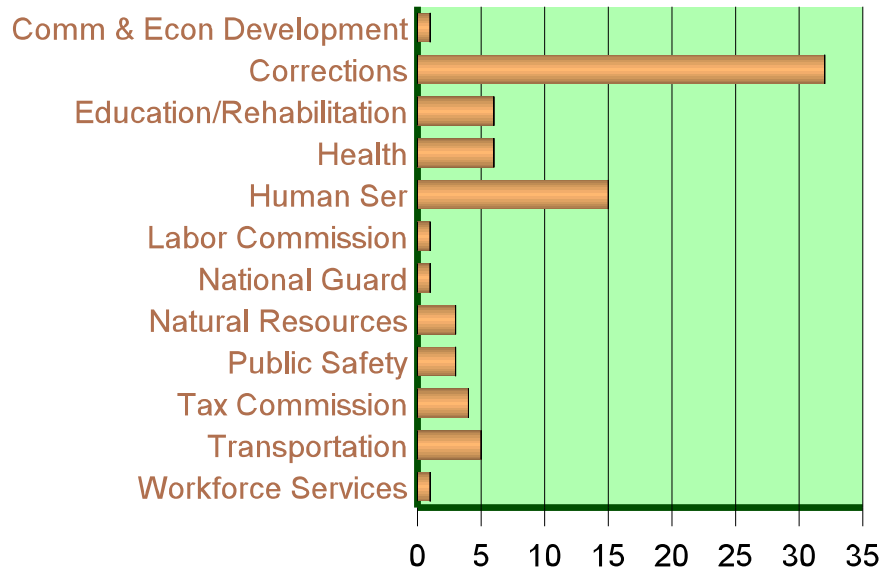
Step 2 - 1
3 - 0
4 - 0
4-5 - 0
5 - 0
6 - 0

PUBLIC SAFETY

Step 2 - 2
3 - 1
4 - 0
4-5 - 0
5 - 0
6 - 0

<u>TAX COMMISSION</u>	<u>TRANSPORTATION</u>	<u>WORKFORCE SERVICES</u>
Step 2 - 0	Step 2 - 2	Step 2 - 0
3 - 1	3 - 0	3 - 1
4 - 0	4 - 2	4 - 2
4-5 - 3	4-5 - 1	4-5 - 0
5 - 0	5 - 0	5 - 0
6 - 0	6 - 0	6 - 0

GRIEVANCES BY DEPARTMENT



**GRIEVANCE CASES PER LEVEL RESOLVED
DURING FISCAL YEAR 2001-2002**

STEP 2 Immediate Supervisor Cases: 20 Employees: 20		
<u>Employees</u>	<u>Issues</u>	<u>Department/Division</u>
B.J.E.	Personnel Rule Violation	Public Safety/Dignitary Protection
B.R.S.	Demotion/Transfer	Corrections/Institutional Operations
C.S.J.	Classification	Corrections/Clinical Services
C.S.J.	Promotion	Corrections/Institutional Operations
C.J.	Clothing/Safety	Corrections/Institutional Operations
C.D.M.	1. Written Warning 2. Administrative Actions	Human Services/Substance Abuse
E.B.	Written Warning	Human Services/Recovery Services
H.J.	Transfer	Human Services/Youth Corrections
H.R.A.	Administrative Actions	Corrections/Executive Directors Office
J.D.	Administrative Actions	Corrections/Institutional Operations
K.T.N.	Education Benefit	Human Services/Youth Corrections
K.R.	Written Warning	Health/Health Systems Improvement
M.T.A.	Transfer	Public Safety/Utah Highway Patrol
M.D.	Personnel Rule Violation	Health/Health Care Financing
M.W.	Benefits	Corrections/Institutional Operations
P.D.	Administrative Actions	National Guard
P.M.M.	Written Warning	Transportation/Port of Entry
R.J.B.	Working Conditions	Human Services/Youth Corrections

S.M.M.	1. Letter of Reprimand 2. Performance Plan 3. Administrative Actions	Transportation/Port of Entry
S.R.A..	Discrimination	Human Services/Youth Corrections

STEP 3

DIVISION/AGENCY DIRECTOR CASES: 20

EMPLOYEES: 23

<u>Employees</u>	<u>Issues</u>	<u>Department/Division</u>
A.J.	Promotion	Corrections/Institutional Operations
D.S.	Classification	Corrections/Institutional Operations
E.M.	1. Administrative Actions 2. Duty Assignment	Corrections/Field Operations
E.L.	Leave Benefits	Tax Commission/Drivers License
J.V.	Reimbursements	Corrections/Institutional Operations
J.J. (<i>et.al.</i> 4)	Internet Access	Corrections/Field Operations
M.H.	Salary	Health/Health Improvement Systems
M.M.	Administrative Actions	Labor Commission/UOSH
O.G.	Salary	Corrections/Institutional Operations
P.C.	1. Demotion 2. Reprimand	Human Services/Youth Corrections
P.P.	Reprimand	Human Services/Institutional Operations
P.G.E.	Retaliation	Corrections/Institutional Operations
P.C.	Administrative Actions	Public Safety/Drivers License
P.S.O.	1. Transfer 2. Retaliation	Corrections/Institutional Operations
R.D.	Administrative Actions	Human Services/DCFS

S.R.D.	Corrective Action	Workforce Services
T.C.M.	Incentive Pay	Human Services/Recovery Services
W.K.R..	1. Involuntary Transfer 2. Administrative Actions 3. Policy Violations	Corrections/Institutional Operations
W.K.R.	Salary	Corrections/Institutional Operations
W.K.R.	Salary	Corrections/Institutional Operations

STEP 4

DEPARTMENT HEAD

CASES: 25

EMPLOYEES: 23

<u>Employees</u>	<u>Issues</u>	<u>Department/Division</u>
B.D.F.	1. Written Reprimand 2. Retaliation 3. Harassment 4. Transfer 5. Medial Benefits 6. Administrative Actions	Natural Resources/Parks & Recreation
B.M.J.	Dismissal	Transportation/Region Four
C.W.C.	Dismissal	Health/Health Systems Improvement
C.J.L..	Classification	Natural Resources/Water Rights
F.D.	Salary	Corrections/Field Operations
H.M.	1. Verbal Warning 2. Corrective Action	Education/Rehabilitation
I.P.	1. Promotion 2. Hiring Practices	Health/Community & Family Health
J.C.A.	Reassignment	Corrections/Institutional Operations
J.C.A..	Reassignment (2)	Corrections/Institutional Operations
J.C.	Classification	Human Services/Administrative Hearings

J.K.	1. Classification 2. Salary	Corrections/Institutional Operations
J.S.D.	Administrative Actions	Transportation/Structures
P.M.L.	Written Warning	Education/Rehabilitation
P.C.	Administration of Benefits	Human Services/Recovery Services
P.K.G.	Work Opportunities	Corrections/Field Operations
P.D.S.	Hostile Work Environment	Education/Rehabilitation
P.S.	Administrative Leave	Corrections/Institutional Operations
R.L.G..	Reassignment	DCED/Utah State Library
R.K.	Salary	Corrections/Institutional Operations
S.G.	Retaliation	Corrections/Internal Audit
S.G.	Letter of Warning	Corrections/Internal Audit
S.C.L.	Promotion Policy	Human Services/Youth Corrections
S.M.	Resignation	Human Services/Youth Corrections
S.R.E.	1. Classification 2. Salary	Corrections/Institutional Operations
W.L.E.	Policy violations	Corrections/Institutional Operations

**MEDIATION/JURISDICTIONAL FORUM
BETWEEN STEPS 4 AND 5 CASES: 10**

EMPLOYEES: 8

<u>Employees</u>	<u>Issues</u>	<u>Department/Division</u>
D.S.R.	Promotion	Tax Commission/Auditing
M.K.E.	Dismissal	Corrections/Field Operations
L.K.A.	Demotion	Education/Rehabilitation
L.K.A..	Reassignment	Education/Rehabilitation

L.K.A.	Reprisal	Education/Rehabilitation
M.B.L.	Dismissal	Natural Resources/Parks and Recreation
N.G.A.	Performance Appraisal	Tax/Auditing
S.J.A.	Dismissal	Human Services/Utah State Developmental Center
W.A.G.	Demotion	Transportation/Region III
W.C.	Written Warning	Tax Commission/Taxpayer Services

STEP 5 EVIDENTIARY HEARING CASES: 2 EMPLOYEES: 2		
<u>Employees</u>	<u>Issues</u>	<u>Department/Division</u>
Jenkins, Val D.	Suspension	Corrections/Institutional Operations
Theresa A. Smith	Dismissal	Human Services/USDC

Note: The following eight cases were heard at Step 5, but not resolved during Fiscal Year 2001-2002. These cases are not reflected in this report either because they are on appeal to Step 6 where they are currently pending or the Step 5 decision was issued after July 1, 2002, and thus, will be reflected in next year's Annual Report.

<u>Employee</u>	<u>Issue</u>	<u>Department</u>	<u>Decision Issued</u>	<u>Status</u>
Lori Laird	Dismissal	Human Services	April 23, 2002	On Appeal
Jesse Linan	Dismissal	Human Services	September 26, 2002	Completed
M. Dale King	Dismissal	Human Services	August 30, 2002	On Appeal
Ronald Draughon	Dismissal	Financial Institutions	June 4, 2002	On Appeal
Hurst et al.	Salary	Corrections	December 26, 2001	On Appeal
Norma J. Glover	Dismissal	Corrections	May 14, 2002	On Appeal
Ross Pace	Suspension	Public Safety	June 7, 2002	On Appeal
Melody Staples	Dismissal	Health	November 25, 2002	On Appeal

STEP 6**APPELLATE REVIEW/BOARD CASES: 1****EMPLOYEES: 1**

<u>Employee</u>	<u>Issue</u>	<u>Department/Division</u>
Larson, Charles M.	Salary Equivalency Review	Human Services/Recovery Services
*Pace, Ross G.	Suspension	Public Safety/Highway Patrol

*Note: The Board remanded this case to the hearing officer at Step 5 with instructions to reopen the record to consider the issue of consistency of discipline. Her Decision on Remand was issued June 7, 2002. The case is again on appeal.

Communication Can Be The Key



**JURISDICTIONAL HEARINGS AND
ADMINISTRATIVE REVIEWS OF THE FILE
CONDUCTED DURING FISCAL YEAR 2001-2002**

JURISDICTIONAL HEARINGS:

A jurisdictional hearing is a formal adjudication conducted according to the Utah Administrative Procedures Act. These hearings are held at the request of employees, agency management, or at the initiative of the CSRB administrator. Jurisdictional hearings address the four issues of: timeliness, direct harm, standing and eligibility to advance issues and remedies to the evidentiary/step 5 level, according to *Utah Code*, §67-19a-403(2)(b)(i)(Supp. 2000).

EMPLOYEE/CASE NO.	ISSUE	DEPARTMENT/DETERMINATION
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None

ADMINISTRATIVE REVIEWS OF THE FILE:

An administrative review of the file is an informal adjudication under the Utah Administrative Procedures Act. The contents of the CSRB's case files are reviewed and a written legal decision is issued. The decision is based upon a consideration of all documents contained in the CSRB's file. These reviews are conducted according to *Utah Code*, §67-19a-403(2)(b)(ii)(Supp. 2000).

EMPLOYEE/CASE NO.	ISSUE	DEPARTMENT/DETERMINATION
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Naisbitt, A. Gilbert September 17, 2001	Subject Matter	Tax <i>By letter dated September 17, 2001, case dismissed by Administrator pursuant to Utah Code, §67-19a-202(1) & 302(1). The Board has no jurisdiction over performance appraisals. Mr. Naisbitt has appealed this decision to the District Court</i>
Williams, Cynthia September 27, 2001	Subject Matter	Tax Commission <i>By letter dated September 27, 2001, case dismissed pursuant to Utah Code, §67-19a-202(1) & 302(1). The Board has no jurisdiction over written warnings. Ms. Williams has appealed to the District Court.</i>

***In addition to these two cases, the Administrator also dismissed three other cases after reviewing the grievance file. In two of these cases, the Administrator dismissed the grievance because the grievants were probationary employees. The other grievance involved an individual who was not an employee of the State.**

**JUDICIAL REVIEW BY THE COURTS
DURING FISCAL YEAR 2001-2002**

During FY2001-2002 there were no CSRB cases pending before the District Courts or the Court of Appeals.

STATISTICAL SUMMARY OF ACTIVITIES FOR FISCAL YEAR 2001-2002

GENERAL:

Grievance cases resolved in the CSRB forum:	78
Career service employees participating in the grievance process:	78
Evidentiary/step 5 hearings conducted:	10
Evidentiary/step 5 hearings decisions issued:	2
Appellate/step 6 hearings conducted:	2
Appellate/step 6 decisions issued:	1
Jurisdictional hearings conducted/decisions issued:	0
Administrative reviews of the file conducted/issued	5
Cases resolved, mediated or otherwise settled following an appeal to Step 5:	10

CSRB BOARD CHAIRPERSON AND BOARD MEMBERS:

Step 6 decisions issued:	1
Orders/Rulings issued:	2

CSRB ADMINISTRATOR:

Prehearing/scheduling conferences conducted:	24
Prehearing conference summaries/orders issued:	24
Other orders issued:	44
Conciliation conferences held:	1

CSRB HEARING OFFICERS/PRESIDING OFFICERS:

Step 5 hearing decisions issued	2
Jurisdictional hearing decisions issued:	0
Prehearing conferences and motion conferences held:	10
Prehearing conference orders issued:	2
Orders Issued by CSRB Hearing Officers	31

THE COURTS:

CSRB decisions issued by the Court of Appeals:	0
CSRB cases currently pending before the Court of Appeals:	0
CSRB cases currently pending before the District Court	0

**ANNUAL GRIEVANCE CASES COMPARED
FOR TEN YEAR PERIOD
FISCAL YEARS 1992-1993 THROUGH 2001-2002**

FISCAL YEAR	TOTAL GRIEVANCES	JURISDICTIONAL HEARINGS	STEP 5 HEARINGS	STEP 6 HEARINGS
92-93	117	14	16	4
93-94	94	5	7	6
94-95	114	3	9	2
95-96	115	14	10	2
96-97	104	4	9	2
97-98	126	5	14	2
98-99	122	2	5	1
99-00	103	3	5	1
00-01	116	6	10	1
01-02	78	5	2	1

TOTAL GRIEVANCES

1992-1993 THROUGH 2001-2002

